

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN  
5 AMENDMENT TO ARTICLE X, SECTION 1, OF THE MONTANA CONSTITUTION TO PROVIDE THAT  
6 EQUALITY OF EDUCATIONAL OPPORTUNITY MUST BE MEASURED SOLELY BY THE BENEFITS  
7 ACTUALLY ACHIEVED BY A STUDENT AS A RESULT OF EDUCATIONAL PROGRAMS; AND PROVIDING  
8 FOR REASONABLE FUNDING OF THE SYSTEM BY THE STATE AND LOCAL SCHOOL DISTRICTS."

9  
10 WHEREAS, local school boards and local parents and voters are more knowledgeable about their  
11 schools' financial needs than officials in the state capital; and

12 WHEREAS, the Legislature finds that local funding and local control lead to healthier schools and better  
13 education for Montanans and for Montana children; and

14 WHEREAS, local control requires that local school districts have additional flexibility to fund their schools  
15 in the manner they consider best; and

16 WHEREAS, the Legislature finds that arbitrary, centrally imposed mandates and funding formulas are  
17 placing Montana schools and school children at risk; and

18 WHEREAS, local funding requires that school districts be free to set the level of funding for their schools;  
19 and

20 WHEREAS, the Legislature believes that the equalization clause in Article X, section 1, of the Montana  
21 Constitution, while well-intentioned, has been interpreted by the courts so as to render school funding decisions  
22 inflexible, reduce local control, reduce legislative discretion, and harm Montana's schools and to put at risk the  
23 quality of education available to Montanans and Montana children; and

24 WHEREAS, a central premise of harmful court interpretation--that quality of education rises or falls in  
25 tandem with funding levels--has been seriously questioned by the majority of independent studies on the subject;  
26 and

27 WHEREAS, the Legislature, as representatives of the people, should be permitted to set reasonable  
28 levels of state aid free from harassment by courts and attorneys; and

29 WHEREAS, the Legislature believes that the people of Montana should have a right to vote to amend  
30 the equalization clause of Article X, section 1, of the Montana Constitution, so as to reduce harmful mandates

1 and thereby improve our schools and the education offered to Montanans and to Montana children;

2 THEREFORE, the Legislature of the State of Montana finds that it is appropriate to refer the following  
3 amendment of Article X, section 1, of the Montana Constitution to the people of Montana.

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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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7 **Section 1.** Article X, section 1, of The Constitution of the State of Montana is amended to read:

8 **"Section 1. Educational goals and duties.** (1) It is the goal of the people to establish a system of  
9 education which will develop the full educational potential of each person. Equality of educational opportunity  
10 ~~is guaranteed to each person of the state~~ shall be measured solely by the benefits actually achieved by students  
11 as a result of educational programs rather than by the amounts, structure, or nature of the resources employed.

12 (2) The state recognizes the distinct and unique cultural heritage of the American Indians and is  
13 committed in its educational goals to the preservation of their cultural integrity.

14 (3) The legislature shall provide a basic system of free quality public elementary and secondary schools.  
15 The legislature may provide such other educational institutions, public libraries, and educational programs as  
16 it deems desirable. It shall ~~fund and distribute in an equitable manner to the school districts the state's share of~~  
17 ~~the cost of the basic elementary and secondary school system~~ provide for reasonable funding of the system by  
18 the state and local school districts."

19  
20 NEW SECTION. **Section 2. Submission to electorate.** This amendment shall be submitted to the  
21 qualified electors of Montana at the general election to be held in November 2004 by printing on the ballot the  
22 full title of this act and the following:

23 [] FOR providing that equality of educational opportunity be measured solely by the benefits  
24 actually achieved by students and requiring reasonable state and local funding.

25 [] AGAINST providing that equality of educational opportunity be measured solely by the benefits  
26 actually achieved by students and requiring reasonable state and local funding.

27 - END -